REMARKS

In the Final Office Action,[1] the Examiner the Examiner objected to claim 1 and rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,102,221 to Habisohn ("*Habisohn*") in view of U.S. Patent No. 5,785,191 to Feddema et al. ("*Feddema*") and Digital Filters Theory and Applications by Bose ("*Bose*").

By this Amendment, Applicant proposes to amend claims 1-3 to more appropriately define the invention. The amendments are fully supported by the original disclosure. *See*, e.g., p. 8, ll. 29-31. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections and timely allowance of the claims under examination.

Objection to Claim 1

The Examiner objected to claim 1 for informality. *See* Office Action, p. 2. In response, Applicant proposes to amend claim 1 to change the recitation of "determined by under a constraint condition" to "determined by a simulation under a constraint condition." Applicant therefore respectfully requests that the Examiner reconsider and withdraw the objection to claim 1.

[1] The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Rejection of Claim 1-3 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over *Habisohn* in view of *Feddema* and *Bose*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1, as proposed to be amended, recites a combination including, "parameters a_i (f) and b_j (f) . . . determined by a simulation under a constraint condition that maximum speeds in the transportation command do not exceed a maximum speed of the crane drive unit." *Habisohn*, *Feddema*, and *Bose*, whether taken alone or in any combination, fail to teach or suggest at least these elements.

The Office conceded that *Habisohn* "does not teach . . . using parameters a_i (f) and b_j (f)." Final Office Action, p. 4. However, the Office asserted that *Feddema* cures the deficiencies of *Habisohn*. *See* Final Office Action, pp. 5-6. In particular, the Office appeared to assert that a_1, a_2, a_3 and b_1, b_2, b_3, b_4 correspond to the claimed a_i (f) and b_j (f), respectively. *See* Final Office Action, p. 6. Without acquiescing to this assertion, Applicant respectfully submits that there is no teaching or suggestion in *Feddema* to determine a_1, a_2, a_3, b_1, b_2, b_3, and b_4 "under a constraint condition that maximum speeds in the transportation command do not exceed a limitation of a maximum value of the crane drive unit," as recited in claim 1.

Specifically, *Feddema* teaches that "[t]he larger the value of scale factor κ, the shorter the settling time," which "means that the IIR filter can drive the trolley motors faster than their acceleration limits." *Feddema*, col. 16, ll. 45-48, (emphasis added). Thus, *Feddema* at best may teach limiting acceleration, but not "speed."

In view of the above, *Feddema* also fails to teach or suggest "parameters a_i (f) and b_j (f) . . . determined by a simulation under a constraint condition that maximum speeds in the transportation command do not exceed a maximum speed of the crane drive unit," as recited in claim 1, and thus does not compensate the deficiencies of *Habisohn*.

The Office further asserted that *Bose* teaches that "an infinite impulse response (IIR) filtering scheme . . . requires less hardware and can perform a filtering task with greater speed than other types of filters." Final Office Action, p. 6. Without acquiescing to this assertion, Applicant respectfully submits that *Bose* also fails to teach or suggest the above-noted elements recited in claim 1, and thus does not cure the deficiencies of *Habisohn* and *Feddema*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Moreover, one of ordinary skill in the art would not have been motivated to modify the teachings of cited references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and claim 1 is allowable.

Independent claims 2 and 3, although different in scope from independent claim 1, recite elements similar to those of claim 1. As such, for reasons similar to those discussed above in regard to the rejection of claim 1, claims 2 and 3 are also allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the § 103(a) rejection of claims 1-3.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3 in condition for allowance. Applicant submits that the proposed amendments to claims 1-3 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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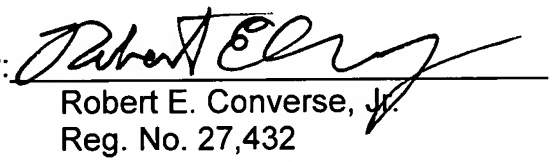
By: 
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